

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

REBECCA TERRY,

Plaintiff,

v.

COUNTY OF MILWAUKEE, DAVID A.
CLARKE, JR., in his personal and official
capacities, OFFICER BRIAN WENZEL,
JANE AND JOHN DOE, UNKNOWN
EMPLOYEES OF MILWAUKEE COUNTY
JAIL, JANE AND JOHN DOE,
UNKNOWN JAIL SUPERVISORS,
ARMOR CORRECTIONAL HEALTH
SERVICES, CAROLYN EXUM, MORGAN
BEVENUE, MARGARET HOOVER, JANE
AND JOHN DOE, UNKNOWN
EMPLOYEES OF ARMOR
CORRECTIONAL HEALTH SERVICES,
JANE AND JOHN DOE UNKNOWN
ARMOR HEALTHCARE SUPERVISORS,

Case No.: 17-cv-1112-JPS

Defendants.

**DECLARATION OF DOUGLAS S. KNOTT IN SUPPORT OF MEMORANDUM IN
OPPOSITION TO CIVIL L.R. 7(h) EXPEDITED
NON-DISPOSITIVE MOTION FOR EVIDENTIARY SANCTIONS**

STATE OF WISCONSIN)
) ss:
MILWAUKEE COUNTY)

I, Douglas S. Knott, declare as follows pursuant to 28 U.S.C. § 1746:

1. That I am one of the attorneys of record for Defendants Milwaukee County, David Clarke, Brian Wenzel, Carolyn Exum, and Margaret Hoover (the “County Defendants”).

2. I make this Declaration upon personal knowledge and in support of County Defendants' Memorandum in Opposition to Civil L.R. 7(h) Expedited Non-Dispositive Motion for Evidentiary Sanctions.

3. I take issue with plaintiff's counsel's accusation that I have willfully disobeyed the Court's March 5 Order or ignored it in lieu of a motion. (Dkt. 102, Rauscher Decl., ¶ 6). The statement is not true. Efforts to supplement the County's discovery by identifying and obtaining sources of documents have been underway for weeks and continue.

4. Mr. Rauscher avers that I had not spoken to my client about the Court's March 5 Order by April 9. (Dkt. 102, ¶ 6). Mr. Rauscher has no basis for making that statement and it is not true.

5. I traveled out of state with my family for a vacation from April 2, 2018 to April 9, 2018. Attempting to enjoy a vacation, I did not stay closely advised of any developments in this case.

6. I learned during the early afternoon of April 9 that counsel had requested a conference call to "talk about discovery." I was unaware of the agenda, but agreed to participate to attempt to update myself on any new issues.

7. While I was aware on April 9 that the Court had denied the joint motion to stay discovery during my vacation (April 3), I was not aware of any parameters of the ruling or other directions from the Court that might be in the ruling. I therefore informed plaintiff's counsel that I would have to get back up to speed and discuss the April 3 Order with my clients upon my return to Milwaukee.

8. Attorney Rauscher advises the Court that Armor's counsel "was able to provide an update" on Armor's efforts to comply with the Court's orders. (Rauscher Decl., ¶ 5). He fails to advise the Court that Armor's counsel was not on vacation, and so had the Orders at his disposal and an opportunity to speak to his clients about the April 3 Order.

9. During the course of the April 9 conference call, I repeatedly informed Mr. Rauscher that I would review the circumstance immediately upon my return to the office on Wednesday, April 11, and would advise him of the County's plan for compliance no later than Thursday, April 12, 2018. Mr. Rauscher responded, "That's not good enough."

10. I conducted a deposition of an expert witness in Phoenix, Arizona on Tuesday, April 10, 2018, returning to my office on April 11.

11. Despite being assured that a plan for the County's document response would be provided no later than April 12, 2018, plaintiff's counsel filed this motion on April 11, 2018. Dkt. 102.

12. Attached hereto as Exhibit A is a true and correct copy of the County Defendants' Supplemental Response to Plaintiff's First Set of Interrogatories addressing Interrogatory No. 12. This discrete response could have and should have been provided earlier. I erred in overlooking that discrete request.

Pursuant to 28 U.S.C. § 1746 I declare under penalty of perjury that the foregoing is true and correct.

Dated this 18th day of April, 2018.

By: */s/ Douglas S. Knott*
Douglas S. Knott